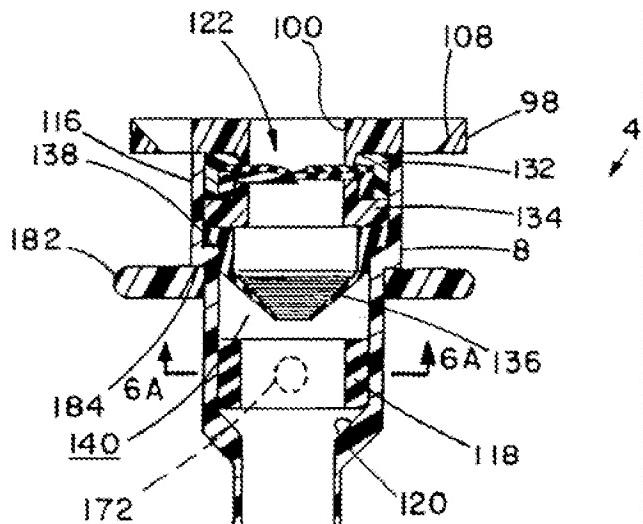


REMARKS

The claims have been amended as indicated above. The amendments are being made to clarify the invention. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

The Office Action rejected claims 1, 3, 6, 8-9, 11, 17, 19, 23-27, and 29-32 under 35 U.S.C. § 102(b) as being anticipated by Haber (5,385,552). Applicants traverse this rejection and request reconsideration because this cited portions of the reference do not teach or suggest the combinations as currently claimed. A portion of Fig. 4 is reproduced below to illustrate the seal structure of Haber:



The pending rejection is premised on an inaccurate reading of Haber. In particular, rejection makes the following inaccurate statement: that the seal assembly (122) of Haber “cooperate to seal against objects positioned within the aperture.” The Office Action does not cite any basis for this conclusion. Moreover, Haber actually teaches the very opposite. Haber uses two seals: a proximal seal (122) and a conical seal (136). The proximal seal (122) is intended to seal the trocar when an object is not positioned in the path (see 6:1-2, 7:39-42, 8:21-22). On the other hand, the conical seal (136) is intended to seal against surgical instruments when they are positioned in the trocar (see 6:34-37, 7:46-48). Since the conical seal (136) is intended to seal against objects, not the proximal seal (122), the Office Action based the rejection on the inaccurate reading of Haber.

The pending claims recite features and combinations that patentably distinguish over the seal configuration taught in Haber. Consider for instance, independent claim 1 that recites, “an instrument seal assembly disposed within said housing comprising a first substantially rigid ring, a second substantially rigid ring, and a plurality of separate semicircular seal segments compressed therebetween, each seal segment having a circumference greater than 180 degrees and being adapted to seal against instruments positioned through the seal.” Further consider independent claim 9 that recites, “an instrument seal assembly disposed within said housing comprising a first substantially rigid ring, a second substantially rigid ring, and a plurality layered elastomeric members compressed therebetween, the elastomeric members being arranged circumferentially about an aperture in an alternating over and under pattern to cooperatively seal against instruments positioned through the aperture.” Also consider independent claim 17 that recites, “a seal assembly disposed within said housing comprising a first substantially rigid ring, a second substantially rigid ring, and a plurality of semicircular elastomeric members compressed therebetween, the elastomeric members circumscribing an aperture in an interwoven pattern and cooperate to seal against objects positioned within the aperture.” Still further, consider independent claim 25 that requires that “the seal segments cooperate to seal against objects positioned within the aperture.”

All dependent claims should also be in a condition for allowance by depending from allowable independent claims. Applicants note, however, that the dependent claims recite further limitations that distinguish over the art of record.

The Office Action also rejected claims 2-3, 10-11, 19 and 28 under 35 U.S.C. § 103(a) as being obvious over Haber in view of Honkanen (4,655,752). Applicants traverse the rejections and request reconsideration because a *prima facie* case of obvious has not been established under MPEP § 2143. This rejection is premised on Haber as applied to the independent claims 1, 9, 17 and 25. As discussed above, Haber fails to teach or suggest all the claim limitations and the cited portions of Honkanen fail to compensate for the deficiencies of Haber.

The Office Action rejected claims 4-5 under 35 U.S.C. § 103(a) as being obvious over Haber in view of Hart (5,209,737). Applicants traverse the rejections and request reconsideration because a *prima facie* case of obvious has not been established under MPEP § 2143. This

rejection is premised on Haber as applied to the independent claim 1. As discussed above, Haber fails to teach or suggest all the claim limitations and the cited portions of Hart fail to compensate for the deficiencies of Haber.

Based on the foregoing, all of the pending claims are in a condition for allowance. Applicants traverse all rejections and request reconsideration, and Applicants request an early notice of allowability.

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Respectfully submitted,

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